

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23680 of 2006

Dated: 22-11-2006

Between:

S. Manohar.

..... PETITIONER

AND

The Chief Controlling Revenue Authority & Commissioner & I.G. of
Registration & Stamps, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23680 of 2006

ORDER:

The petitioner gave a complaint to respondent No.3 on 19-08-2006 alleging that executant No.2, namely, S. Prakash, S/o S. Narsing Rao, was impersonated at the time of execution of gift settlement deed bearing document No.5240/2000 by respondents 4 to 10 in favour of respondent No.11 on 15-12-2000. The petitioner also stated that executant No.2 passed away on 23-09-2000 whereas the document was executed and registered on 15-12-2000. When there was no action, the petitioner filed applications to respondents 1 to 3 on 18-10-2006 purportedly under Sections 3 to 6 of the Right to Information Act, 2005, requesting to be informed all the necessary action taken on his complaint. In response thereto, respondent No.3 sent letter dated 24-10-2006 to the petitioner informing "that as per the two identifying witnesses, the gift settlement deed bearing document No.5240/2000 was admitted for registration". The petitioner was also informed that the registering authority may not take any action once the document is registered. Aggrieved by the same, he filed instant writ petition seeking a writ of Mandamus directing respondent No.3 to initiate action under Section 82(c) read with Section 83 of the Registration Act, 1908 (the Registration Act, for brevity).

The matter was adjourned on 15-11-2006 to enable the learned Assistant Government Pleader for Revenue (General-T) to get instructions in the matter. Today, the matter is heard.

Whenever a person falsely personates another in any proceeding or enquiry under the Registration Act, such person is liable for imprisonment for a period of seven years or with fine or with both. The power to commence prosecution is given to the registering officer under Section 83 of the Registration Act. The procedure is contained in Rules 188, 189 and 190 of Chapter XXVII of the Andhra Pradesh Rules under the Registration Act, 1908. In the face of these Rules, respondent No.3 could not have abdicated the statutory duty merely informing the petitioner that the registering authority may not take any action. When a Commission of office under Section 83 read with Section 82(c) of the Act has been brought to the notice of the Sub-Registrar, he is bound to take action in accordance with the Rules referred to hereinabove. Therefore, the letter of respondent No.3 dated 24-10-2006 is set aside and the writ petition is disposed of directing respondent No.3 to take necessary action in accordance with Section 82(c) read with Section 83 of the Registration Act and the Rules referred to hereinabove i.e., Rules 188, 189 and 190. No costs.

22nd November, 2006
ghn

(V.V.S.RAO, J)